

# EXECUTIVE COUNCIL OF IOWA

## MINUTES

**APRIL 29, 2013**

The Executive Council met in regular session at 10:00 a.m. Room G09 of the Capitol Building with Governor Terry Branstad presiding. Secretary of State Matt Schultz, Auditor of State David Vaudt, Treasurer of State Michael Fitzgerald and Secretary of Agriculture William Northey were present.

Regular session  
April 29, 2013

Moved by Secretary Schultz and seconded by Secretary Northey that the Council approve the minutes of the Executive Council meeting held April 15, 2013.

Minutes  
Approved

The vote:      Ayes:      Governor Branstad  
   Secretary Schultz  
   Auditor Vaudt  
   Treasurer Fitzgerald  
   Secretary Northey  
                         Nays:      None

Marvin Shultz, Department of Human Services, was present to request an emergency allocation pursuant to House File 896 Section 1 in the amount of \$500,000.00 for the following Counties: Cedar, Johnson, Mahaska, Scott, Washington, Iowa, Lee and Muscatine and to transfer funds for disbursement to the individual applicant without Executive Council approval for each individual applicant.

Approved  
Resolutions of  
Funds

Moved by Secretary Schultz and seconded by Auditor Vaudt that the Executive Council approve the request.

The vote:      Ayes:      Governor Branstad  
   Secretary Schultz  
   Auditor Vaudt  
   Treasurer Fitzgerald  
   Secretary Northey  
                         Nays:      None

Moved by Auditor Vaudt and seconded by Treasurer Fitzgerald that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved  
Outside  
Counsel

Retention of special counsel pursuant to Iowa Code section 13.3(1) in K.C. Feldbauer v. Fort Dodge Correctional Facility and the Second Injury Fund of Iowa, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark  
505 5<sup>th</sup> Avenue  
Suite 729  
Des Moines, Iowa 50309

Rate: \$80.00 per hour

The vote: Ayes: Governor Branstad  
Secretary Schultz  
Auditor Vaudt  
Treasurer Fitzgerald  
Secretary Northey  
Nays: None

Moved by Auditor Vaudt and seconded by Secretary Northey that the Council approve the following leases:

Approved  
Leases

A. Lease between DNR and Isle of Capri Bettendorf, L.C.

Date of Lease: Three Years ending November 30, 2015

Legal Description: A portion of the bed of the Mississippi River approximately 207 feet in length and approximately 180 feet in width located in Section 33, Township 78N, Range 4E, Scott County, Iowa, at Mississippi River Mile 486.2.

Annual Fee: \$2,645.00

B. Lease between DNR and Fidelity Properties Ltd.

Date of Lease: Five Years ending December 31, 2017

Legal Description: An irregular strip of the bed of East Okoboji Lake adjoining Government Lot 5 in Section 20, Township 99N, Range 36W, Dickinson County, Iowa.

Annual Fee: \$1,383.00

C. Lease between DNR and CHS, Inc.

Date of Lease: Five Years ending May 31, 2018

Legal Description: A portion of the bed of the Mississippi River approximately 215 feet of frontage by 45 feet depth located in Section 25, Township 77 North, Range 2 East of the 5th P.M. at Mississippi River Mile 475.7 in Scott County, Iowa.

Annual Fee: \$1,500.00

The vote:	Ayes:	Governor Branstad Secretary Schultz Auditor Vaudt Treasurer Fitzgerald Secretary Northey
	Nays:	None

Moved by Secretary Northey and seconded by Auditor Vaudt that the Council approve the following cost items:

Approved Cost  
Items

- |   |             |
|---|-------------|
| A. LaMarca & Landry, P.C.....   | \$65,532.25 |
| 1820 N.W. 118 <sup>th</sup> Street, Suite 200   |             |
| Des Moines, IA 50325  |             |
| <u>Godfrey v. State of Iowa et al, civil rights complaint</u>                             |             |
| B. Huber, Book, Cortese & Lanz, P.L.L.C. ....   | \$2,990.08  |
| 2700 Westown Parkway, Suite 170   |             |
| West Des Moines, IA 50266-1411  |             |
| <u>Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund</u>     |             |
| C. Patterson Law Firm L.L.P.....  | \$264.00    |
| 729 Insurance Exchange Building   |             |
| 505 Fifth Avenue  |             |
| Des Moines, IA 50309-2390   |             |
| <u>David Ozolins v. University of Iowa and Second Injury Fund of Iowa</u>                 |             |
| D. Patterson Law Firm L.L.P.....  | \$816.00    |
| 729 Insurance Exchange Building   |             |
| 505 Fifth Avenue  |             |
| Des Moines, IA 50309-2390   |             |
| <u>Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund</u>     |             |
| E. Patterson Law Firm L.L.P.....  | \$81.00     |
| 729 Insurance Exchange Building   |             |
| 505 Fifth Avenue  |             |
| Des Moines, IA 50309-2390   |             |
| <u>William Gehle v. Iowa State Penitentiary, State of Iowa and the Second Injury Fund</u> |             |

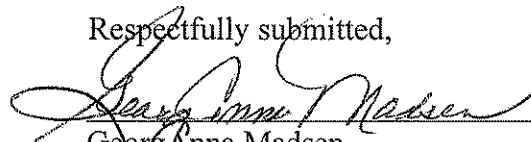
- F. Patterson Law Firm L.L.P..... \$144.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Kenneth Kincaid v. Iowa Department of Transportation, State of Iowa and  
 the Second Injury Fund.
- G. Patterson Law Firm L.L.P..... \$115.00  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
Angel Tew v. Department of Revenue, State of Iowa and the Second Injury  
 Fund
- H. Patterson Law Firm L.L.P..... \$101.50  
 729 Insurance Exchange Building  
 505 Fifth Avenue  
 Des Moines, IA 50309-2390  
David Boal v. University of Iowa, State of Iowa and the Second Injury Fund.
- I. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$24.00  
 The Davis Brown Tower  
 215 10<sup>th</sup> Street, Suite 1300  
 Des Moines, IA 50309-3993  
Represent Iowa in copyright, trademark, and patent legal advice for various  
 agencies

The vote:      Ayes:            Governor Branstad  
    Secretary Schultz  
    Auditor Vaudt  
    Treasurer Fitzgerald  
    Secretary Northey  
                  Nays:            None

The meeting was adjourned at 10:05 a.m.

Meeting  
adjourned

Respectfully submitted,

  
 Georg Anna Madsen  
 Executive Secretary